

ISIS-3070



#19/K.T.  
1/14

PATENT  
*RECONSIDERATION*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nielsen, et al.

Serial No.: 09/424,521

Group Art Unit: 1635

Filed: February 15, 2000

Examiner: T. Larson

TECH CENTER 1600/2900

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For: **CONJUGATED PEPTIDE NUCLEIC ACIDS HAVING ENHANCED CELLULAR UPTAKE**

I, Gregory L. Hillyer, hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On December 4, 2001

Gregory L. Hillyer, Registration No. 44,154

BOX AF  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**REQUEST FOR RECONSIDERATION**

This is responsive to the Advisory Action mailed October 24, 2001 in connection with the above-identified patent application. The Advisory Action states that the amendments submitted with the Reply dated September 19, 2001, were not entered because they raise new issues that would require further consideration. Specifically, the Advisory Action states that the conjugated peptide nucleic acid moieties now claimed are disclosed in International Publication WO 92/20702 (the 702 application), which published on November 26, 1992.

Although Applicants do not necessarily agree that the claimed subject matter is disclosed in the 702 application, pursuant to 37 CFR 1.48(b), Applicants include herewith an amendment

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request deleting correctly named original person Helle Knudsen because she is not an inventor of the invention now being claimed. In view of this signed document, Applicants respectfully submit that the 702 application does not constitute prior art against the present application. For example, although the 702 application appears to be applied pursuant to 35 U.S.C. §102(a), it does not constitute evidence that any claimed subject matter was "known or used by others in this country or patented or described in this or a foreign country" before Applicant's invention thereof.<sup>1</sup> As such, Applicants respectfully request that the amendments submitted with the Reply filed on September 19, 2001, be entered and that claims 15-52 be allowed.

Applicants submit that the foregoing constitutes a full and complete response to the Advisory Action of record and that the pending claims, once amended, are in condition for ready allowance. An early indication to that effect is, therefore, earnestly solicited.

Respectfully submitted,



Gregory L. Hillyer  
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Date: December 4, 2001  
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<sup>1</sup> The present application is a U.S. national filing that derives from International Patent Application PCT/US98/10804, filed on May 28, 1998, which claims priority to application Serial No. 08/864,765, filed on May 28, 1997 (now abandoned), which is a continuation-in-part of application Serial No. 08/595,387, filed on February 1, 1996 (now U.S. Patent No. 5,773,571), which is a continuation-in-part of Serial No. 08/054,363, filed on April 26, 1993 (now U.S. Patent No. 5,539,082).